



December 20, 2000

Mr. James W. Smith, Jr.  
County Attorney  
Frio County  
500 East San Antonio Street, Box 1  
Pearsall, Texas 78061-3100

OR2000-4771

Dear Mr. Smith:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 144203.

Frio County (the "county") received a request for five categories of information. You request a decision concerning only whether the tape recorded meeting minutes of the commissioners court for certain dates are subject to public disclosure.<sup>1</sup> You claim that the county clerk is too understaffed to certify that the taped minutes are true and accurate. We have considered this argument.

Under section 551.022 of the Government Code, "[t]he minutes and tape recordings of an open meeting are public records and shall be available for public inspection and copying on request to the governmental body's chief administrative officer or the officer's designee." You acknowledge that the requested tape recordings are public information under this section. However, you assert that because the county clerk will not be able to certify the tape recordings, the tapes should be withheld. There is no requirement that the tape recordings of an open meeting be certified before they can be released to the public. Indeed, in Open Records Decision No. 225 (1979), this office determined that the minutes of a meeting of a governmental body are required to be released even before the minutes are approved and adopted by the governmental body. Therefore, we find that you must release the requested tape recordings. See Gov't Code § 551.022.

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<sup>1</sup>Because you have only requested a decision concerning the meeting minutes, we assume that you have released any information responsive to the remaining categories of the request. See Gov't Code §§ 552.301, .302.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

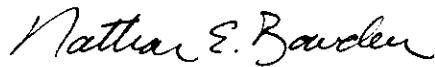
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the General Services Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in cursive script that reads "Nathan E. Bowden".

Nathan E. Bowden  
Assistant Attorney General  
Open Records Division

NEB/er

Ref: ID# 144203

cc: Mr. Chris J. Westbrook  
404 East Leona  
Pearsall, Texas 78061